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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,435

01/05/2006

Yoshiaki Iwata

2005-1979A

6284

52349

7590

07/10/2008

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EXAMINER

MENDOZA, JUNIOR O

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

07/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,435	Applicant(s) IWATA ET AL.	
	Examiner JUNIOR O. MENDOZA	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/05/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the filed abstract does not contain an accurate description of the specification, in fact the provided abstract points out to element numbers that do not exist on the figures provided.

Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

2. **Claims 10, 11 and 12** are objected to because of the following informalities: the applicant claims an "...an eternal device ..." which should be changed to "... an external device ...".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1 – 4, 6 and 8 – 13** are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas et al. (Pub No US 2002/0059621). Hereinafter referenced as Thomas.

Regarding **claim 1**, Thomas discloses a network recording system including a plurality of terminals and a recording server connected via a network (Paragraph [0053]; fig 2), each terminal comprising:

a transmitting unit operable to transmit to the recording server a record instruction to record a broadcast program and a send instruction to send a recorded broadcast program, each instruction being transmitted together with a requester ID (Paragraphs [0063] [0084] figs 10 and 11), and the recording server comprising:

an ID management unit operable to manage specific requester IDs as belonging to a group (Paragraph [0063]; on demand media system identifies the users);

a recording unit operable to record a broadcast program in response to a record instruction transmitted from a terminal (Paragraph [0045] fig 1);

a recorded-data management unit operable to manage a recorded broadcast program, in association with a requester ID that is transmitted with a record instruction

instructed to record the broadcast program (Paragraph [0050]; Ellis et al. 09/332,244 (Pub No US 2007/0199030) is incorporated in its entirety. Where Ellis '030 discloses in paragraph [0085] figs 4 and 5; a consolidator 115 includes a job queue 120 with information about the program to be recorded and the user who requested it);

and a shared-data management unit operable to send, in response to a send instruction, a recorded broadcast program to a terminal that transmitted the send instruction (Paragraphs [0045] [0056] fig 2),

when (i) a requester ID transmitted with the send instruction is managed by the ID management unit as belonging to a group (Paragraphs [0008] [0104] figure 15B; a user needs to have access rights or belong to a group with access rights in order to demand a file) and

(ii) the recorded broadcast program to be sent is associated by the recorded-data management unit with a requester ID belonging to the group (Paragraphs [0008] [0104] figure 15B).

Regarding **claim 2**, Thomas discloses the network recording system according to claim 1; moreover, Thomas discloses that the shared-data management unit generates, on a group-by-group basis, a shared-data list showing recorded broadcast programs that are associated with requester IDs belonging to a respective group out of all recorded broadcast programs managed by the recorded-data management unit (Paragraph [0043] [0127] fig 15A-B),

and transmits the shared-data list to each terminal, and each terminal further comprises a generating unit operable to generate a send instruction based on the shared-data list (Paragraph [0128] fig 16A-B; the content listing can be narrowed down indicating which types of files the user wants to display on the interface, for example the user can display only the files to which the user has access rights).

Regarding **claim 3**, Thomas discloses the network recording system according to claim 2; moreover, Thomas discloses that each terminal further comprises: a presentation unit operable to present the shared-data list to a user (Paragraph [0053] also exhibited on figure 2);

and a receiving unit operable to receive, from the user, a specification of a recorded broadcast programs selected from the shared-data list (Paragraph [0053] fig 16B; the user can retrieve any content as long as access rights have been provided),

and the generating unit generates a send instruction to send the recorded broadcast program that is selected by the user (Paragraph [0130] fig 16B).

Regarding **claim 4**, Thomas discloses the network recording system according to claim 3; moreover, Thomas discloses that the receiving unit receives designation of a group from a user, the transmitting unit transmits, together with a requester ID, group information showing the designated group to the recording server, and the ID management unit manages group information transmitted from a terminal, in association

with a requester ID that is transmitted with the group information (Paragraph [0111] fig 11; account administration).

Regarding **claim 6**, Thomas discloses the network recording system according to claim 3; moreover, Thomas discloses that the receiving unit receives, from a user, a delete request requesting to delete a recorded broadcast program, the generating unit generates a delete instruction based on the received delete request, the transmitting unit transmits the generated delete instruction together with a requester ID to the recording server, and the shared-data management unit deletes, in response to a delete instruction transmitted from a terminal, a recorded broadcast program from the recording server, when the recorded broadcast program to be deleted is associated with a requester ID belonging to a same group to which a requester ID transmitted with the delete instruction belongs (Paragraph [0126]; access rights includes the ability to delete a file).

Regarding **claim 8**, Thomas discloses the network recording system according to claim 2; moreover, Thomas discloses that each time the recorded-data management unit newly associates a requester ID and a recorded broadcast program, the shared-data management unit updates the shared-data list and transmits a new shared-data list to each terminal (Paragraph [0050]; Ellis et al. 09/332,244 (Pub No US 2007/0199030) is incorporated in its entirety. Where Ellis '030 discloses in paragraph [0193] that user's program directories are kept updated).

Regarding **claims 9 and 13, Thomas** discloses all the limitations of claims 9 and 13; therefore, claims 9 and 13 are rejected for the same reasons as in claim 1.

Regarding **claim 10**, Thomas discloses a recorded data sending method for use by a recording server (Paragraph [0053]; fig 2) having:

a receiving unit operable to receive a record instruction to record a broadcast program and a send instruction to send a recorded broadcast program each transmitted from an external source together with a requester ID (Paragraphs [0063] [0084] also exhibited on figs 10 and 11);

and a recording unit operable to record a broadcast program in response to a received record instruction (Paragraph [0045] fig 1),

the recorded data sending method comprising steps of: managing specific requester IDs as belonging to a group (Paragraph [0063]; on demand media system identifies the users);

managing a broadcast program that is recorded in response to a record instruction received by the receiving unit, in association with a requester ID received with the record instruction (Paragraph [0050]; Ellis et al. 09/332,244 (Pub No US 2007/0199030) is incorporated in its entirety. Where Ellis '030 discloses in paragraph [0085] figs 4 and 5; a consolidator 115 includes a job queue 120 with information about the program to be recorded and the user who requested it);

and sending, in response to a send instruction received from an external device, a recorded broadcast program to the external device from which the send instruction is received (Paragraphs [0045] [0056] fig 2),

when (i) a requester ID received with the send instruction is managed in the requester ID managing step as belonging to a group (Paragraphs [0008] [0104] figure 15B; a user needs to have access rights or belong to a group with access rights in order to demand a file) and

(ii) the recorded broadcast program to be sent is associated in the broadcast program managing step with a requester ID belonging to the group (Paragraphs [0008] [0104] figure 15B).

Regarding **claims 11 and 12, Thomas** discloses all the limitations of claims 11 and 12; therefore, claims 11 and 12 are rejected for the same reasons as in claim 10.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Ellis et al. (Pub No US 2005/0251827). Hereinafter, referenced as Ellis '827.

Regarding **claim 5**, Thomas discloses the network recording system according to claim 3; moreover, Thomas discloses that the receiving unit receives, from a user, a record request requesting to record a broadcast program (Paragraph [0045] fig 1),

the generating unit generates a record instruction based on the received record request, the transmitting unit transmits the generated record instruction together with a requester ID to the recording server (Paragraphs [0008] [0104] figure 15B; Ellis et al. 09/332,244 (Pub No US 2007/0199030) is incorporated in its entirety. Where Ellis '030 discloses in paragraph [0085] figs 4 and 5; a consolidator 115 includes a job queue 120 with information about the program to be recorded and the user who requested it).

However, it is noted that Thomas fails to explicitly disclose receiving a notification setting as to whether to issue a notification about the record request to other users belonging to a same group to which the user belongs; the transmitting unit transmits the notification setting together with a requester ID to the recording server, and the shared-

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data management unit issues, in accordance with notification setting, a notification about the record instruction to each terminal that transmitted a requester ID belonging to a same group to which the requester ID transmitted with the notification setting belongs.

Nevertheless, in a similar field of endeavor Ellis '827 discloses receiving a notification setting as to whether to issue a notification about the record request to other users belonging to a same group to which the user belongs (Paragraph [0107] figures 5 and 7A),

the transmitting unit transmits the notification setting together with a requester ID to the recording server (Paragraph [0107] figures 5 and 7A; content server),

and the shared-data management unit issues, in accordance with notification setting, a notification about the record instruction to each terminal that transmitted a requester ID belonging to a same group to which the requester ID transmitted with the notification setting belongs (Paragraphs [0106] [0107] and [0108] figures 5 and 7A; content server).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Ellis '827, for the purpose of keeping other users informed and updated on the content that a server holds.

7. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Mostafa (Pub No US 2002/0087549). Hereinafter, referenced as Mostafa.

Regarding **claim 7**, Thomas discloses the network recording system according to claim 2; moreover, Thomas discloses that the shared-data management unit deletes from the recording server a recorded broadcast program that is listed in the shared-data list (Paragraph [0126]).

However, it is noted that Thomas fails to explicitly disclose that the content is deleted when the content is sent to all users or terminals identified as belonging to the group.

Nevertheless, in a similar field of endeavor Mostafa discloses that the content is deleted when the content is sent to all users or terminals identified as belonging to the group (Paragraph [0117]; a server contains a list of recipients which receive content; i.e. MMS, where the server erases the content after all the recipients in the list have received it).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Mostafa, for the purpose of storage capacity optimization, maintaining a server with available storage by getting rid of content that is not needed anymore.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza
Examiner
Art Unit 2623

/J. O. M./
July 1, 2008

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2623